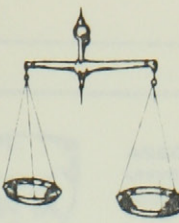


Quid Novi



VOL. II NO. 16

MCGILL UNIVERSITY FACULTY OF LAW

JANUARY 21, 1982

LUS SUBMITS BRIEF TO OFFICE

BY LESLEY CAMERON

Under the direction of Helena Lamed and Marek Nitoslowski the L.U.S. has completed their Brief on the Avis of the Office des professions. The Avis would abolish Bar School in Québec and require that those courses be taught in the law faculties in consultation with the Bar. Under this system, the Bar could request the Ministry of Education to decertify Faculties which did not satisfy the Bar's requirements for practical courses.

The arguments for and against the Avis have been debated in several forums around the Law School and the Brief consolidates divergent opinions into a forceful statement of their common concerns. What follows is a summary of the Brief.

The authors outline the limitations of the Avis as a policy for all professional schools since it was based on a study of the health professions. They survey the range of interests, practical and academic, students pursue in their study of law, apart from qualifying as a professional. In their view, the "practical" emphasis of the Avis would limit the flexibility of the individual law faculties in designing their programs to accommodate the interests of academics, jurists and practitioners.

The authors consider the problems of the present system, emphasizing in particular budget cuts, alleged repetition of material and the

abuse of Bar School as a control over access to the profession. They then address the consequences of the Avis' proposal: interference by the Bar in the Faculties, limiting the academic freedom essential to a democratic society and even greater interference by the Government in the affairs of both the Faculties and the Bar. The priorities of efficient professional education and academic independence can only be reconciled if certain guarantees are made:

1) that individual Faculties of law be allowed to maintain and develop their distinct academic orientations regardless of the measures adopted by the Office des professions. The Bar should only advise Faculty decisions.

2) that the faculties receive sufficient funds to finance both their theoretical and practical courses,

(Continued page 4)

Posting of marks anticlimactic

BY RICHARD JANDA

An informal survey of lunchtime kibbitzers on Monday indicated that students were generally satisfied with the method of posting marks adopted for this term. A few still felt that other means should be found, but a larger number thought that the problem, if it existed at all, was not serious enough to bother with.

"The General Assembly succeeded in creating a tempest in a teapot",

offered Wayne Burrows. When his colleague Pat Lincoln gave his view that envelopes might be a preferable system, Burrows responded "Don't listen to him, he still hasn't looked for his grades." Alfred Macchione entered the dispute by suggesting that this year's posting rush was not as bad as in the past partly because posting took place in a variety of places. However, he felt that the Assembly "didn't go far enough", arguing

(Continued page 2)

POSTING

that marks could be ready, envelopes or not, earlier than they are now.

A table full of "experienced" upper year students said they had more important things to worry about and that the method was fine as it stood last year. Asked to compare last year's spectacle with this year's tame beer sale, one anonymous student found this year's version "boring", but granted that for whatever reason—be it the fuss prior to Thursday's posting or the separate locations for finding marks, or the cold weather that day—lack of crowds was an improvement.

Roger Cutler, who had been a proponent of changing the posting system, was happy to observe this year's decreased rate of barbarism from his front row seat behind the counter serving beer. "I don't know yet if this is the definitive answer. It went a lot better than last year but I'm still worried about anonymity. The marks are still up over there for everyone to look at." Sam Berman, who listened in amused by the professionalism of Quid Novi reporting, countered Cutler's concerns with the proposal that next time all marks be posted upstairs with people's names down beside them "as is done in England. It's no big deal. People will calm down."

Jacques Nadeau, who was looking for a TV camera as he answered, told the world that he was happy things went smoothly this year but was not sure about whether a permanent solution had been found. "The scoop is Mrs Lederer is really happy", he confided, and went on to volunteer his colourful opinion on the transit strike and to offer a few pertinent observations concerning a couple of women sitting further down the table in the Pit. A grinning Stefan LeGoueff agreed that this year's posting went "much better". The women Nadeau had speculated about, Diane Lessard and Anne Marie Plouffe, issued the following statement concerning the



ASSOCIATION DES ÉTUDIANTS EN DROIT
UNIVERSITÉ MCGILL

LAW UNDERGRADUATE SOCIETY
MCGILL UNIVERSITY

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE EIGHT (8) MONTHS ENDING DECEMBER 31, 1981

RECEIPTS

Student Fees	\$3,031.25	
Cafeteria Income	1,500.00	
Interest Income	1,082.48	
Social Activities	1,444.42	
Miscellaneous Income	1,167.30	\$8,225.45

DISBURSEMENTS

Deposit for Banquet	\$ 200.00	
Social Activities	1,512.15	
Class Fund	140.00	
Quid Novi	999.08	
Xerox	444.47	
Office Supplies	389.79	
Telephone	392.91	
Special Events	266.57	
Miscellaneous Expenses	963.06	
Moot Court Board	172.50	
International Law Soc.	265.00	
Faculty Sports	359.47	
Legal Aid	125.00	
Phi Delta Phi	142.50	
CADED	200.00	
Skit Nite	100.00	
Speakers' Program	58.00	6,730.50

EXCESS OF RECEIPTS OVER DISBURSEMENTS

\$1,494.95

3644 rue PEEL St. MONTREAL, QUEBEC, H3A 1W9 TELEPHONE 392-5121

posting: "C'était une perte de temps (l'assemblée) puisque le résultat était fort prévisible étant donnée le moment tardif pour envoyer les notes par la poste." They also found time to comment about Nadeau.

One student, who wished to remain anonymous, stressed that anonymity is a legitimate concern and that the present system is "just not good enough". Kim Rodgers, in

reply, said the problem wasn't worth a fuss, and besides, "if you want to know your mark, just ask Mark—he's figured them all out." Mark Dresser, to whom Kim was referring, quickly denied any allegations and noted that in assemblies people "tend to get hysterical." He spoke for many first year students when he commented that new students didn't really know what the controversy was about and are still baffled.



ASSOCIATION DES ÉTUDIANTS EN DROIT
UNIVERSITÉ MCGILL

LAW UNDERGRADUATE SOCIETY
MCGILL UNIVERSITY

BALANCE SHEET
AS AT DECEMBER 31, 1981

ASSETS

Bank Accounts		
Bank of Montreal - Chequing	\$ 411.77	
Bank of Montreal - Savings	<u>5,439.91</u>	\$ 5,851.68
Petty Cash		40.00
Term Deposit (Bank of Montreal)		6,000.00
Loans to Societies		445.00
Inventory (Beer and Wine)		207.39
		<u>\$12,544.07</u>

NET WORTH

Balance as at April 30, 1981		\$10,226.49
Add:-Adjustments for prior year	\$ 822.63	
-Excess of Receipts over Disbursements for the period between May 1 and December 31, 1981	<u>1,494.95</u>	2,317.58
		<u>\$12,544.07</u>

Jacques A. Nadeau
Jacques A. Nadeau
Treasurer - LUS

P.S. Comments, criticisms, suggestions? Just leave a note in my box in the LUS Office and I'll get back to you.

3644 rue PEEL St. MONTREAL, QUEBEC, H3A 1W9 TELEPHONE 392 5121

PRIX CHARLES-CODERRE
POUR L'AVANCEMENT DU DROIT SOCIAL

Sujet de travail pour l'année académique 1981-1982:

LA PROTECTION DE LA VIE PRIVÉE DES PERSONNES BÉNÉFICIAIRE DE LOIS SOCIALES AU QUÉBEC.

Les objectifs de ce travail consistent essentiellement à faire une analyse critique des règles juridiques applicables tant en matière de confidentialité que de secret professionnel à travers la législation sociale de notre société moderne.

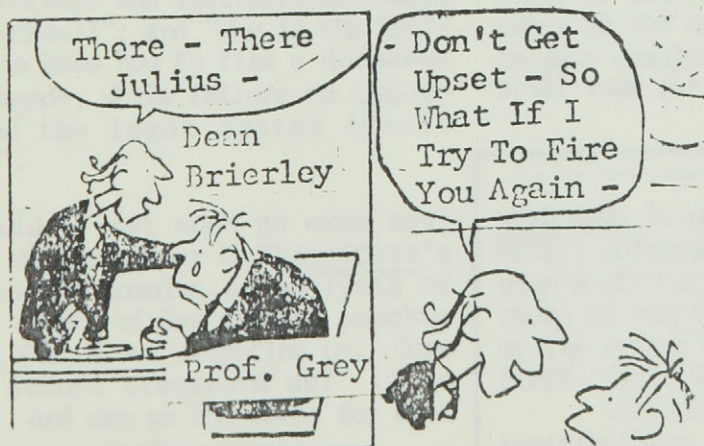
Ces lois sont-elles en train de miner le droit des personnes à la confidentialité et au secret professionnel pour faire place à l'efficacité administrative? Les exigences des organismes administratifs issus de ces lois nécessitent souvent un partage de confiance dont la manifestation la plus connue est certes le travail multidisciplinaire.

Aux fins de ce travail, il faudra d'abord établir les origines du droit à la confidentialité et au secret professionnel. De plus, il faudra établir, à travers les textes législatifs et réglementaires en matière de législation sociale, le contenu et les limites de ce droit.

Enfin, ce travail, pour être complet, devra contenir une analyse de la sanction de ce droit par les tribunaux.

BROCHURE AVAILABLE AT SAO.

The Outcasts



By Ben Wicks



EDITORIAL

NEED FOR TRANSITION ?

Eleven years ago, a student newspaper entitled Transition first appeared at McGill Law School. Its stated goal was to chronicle a hoped-for "transition" at the school.

Judging by the four mimeographed pages of the first edition, the writers of Transition had a few axes to grind. Editor John Tait, in his front page editorial of Sept. 30, 1970, characterized McGill Law this way: "Few reforms are undertaken. Reforms undertaken are misunderstood. Rhetoric replaces reason. In discussion, we attempt not to learn, but to win; not to convince, but to impress. Ego trips are the order of the day, perhaps because being at law school does nothing to enhance one's self-image." At the same time, the student "reformers" of the day were calling for "participatory democracy" in curriculum organisation and held "self-criticism sessions" with the Dean.

The general complaint was that there was too much work. The one-shot final exam was felt to be incapable of evaluating students' abilities. An alternate evaluation mechanism—writing essays—was attempted after student pressure. And one Transition writer, Robert Couzin, spoke of "the congenital defects faculty seems to perceive in students". A satirical law exam for a course entitled Psychology of Law Teaching included the questions: "Comment on the term 'collective terror'."; "Why is the attitude of third year generally one of contempt and indifference toward the school?"; and "Why is the failure to know how to file a document a tragedy, while failure to understand the legal system itself not?".

Could we set such an exam now? Part of the answer to Transition's exam would involve an analysis of that aspect of law student psychology Tait draws attention to. Does law school transform us? If so how? And are we the worse for wear when we emerge?

We still have reason to question, I suspect, the balance struck at this school between time devoted to laborious work by rote and time devoted to reflection. Part of that is surely the nature of legal study itself. But part of a McGill law student's desperate resolve to work twice as hard after seeing his first term results is unhealthy.

The clearest symptom of what may be a more long-standing McGill disease is bad marks. Bad marks encourage more work, a taskmaster professor might argue. And even if there were truth to this contention, diligence is one thing, drudgery is another. Besides, a large proportion of bad marks reflects badly on the school and the professors who give them.

Is it not possible to imagine a law school atmosphere in which one's abilities were considered well enough proven by mere admission and not relentlessly put into question thereafter? That is part of the atmosphere at other Canadian law schools. And it's a salutary part. We should be able to have it here. After all, we wouldn't have had any fuss over the method of posting marks if it weren't assumed to be a catastrophic event.

Perhaps the admissions process needs to be re-worked to ensure greater success of entrants. Perhaps the evaluation process should itself be evaluated in response to the question: how can we increase the proportion of students who successfully live up to a standard of excellence? Perhaps teachers should view their own success in light of that question. So, one comes to the conclusion, reflecting on past complaints, that there is still room for a "transition".

RICHARD JANDA

LUS BRIEF

(Continued from page 1)

3) that there be consultation in decision-making between the various groups involved in legal education and that the Ministry of Education act only on their recommendations,

4) that the professional corporations not be empowered to request the decertification of any Faculty.

The paper then makes recommendations for the restructuring of professional education:

Proposal I - maintain the present system but with a closer collaboration between the professional corporations and the universities to reduce the overlap of material.

Proposal II - a) abolish the present system

b) institute a system of exams administered by the Bar at the end of the basic University education

c) these exams will include a required core of material as well as optional areas which will reflect the orientation of the various universities

d) this core of material will cover the subjects presently considered necessary at Bar School.

The authors conclude with these words:

"Bref, il serait triste de se retrouver dans la société québécoise du 21^{ème} siècle où les avocats, juges et juristes seraient serviles aux intérêts de l'Etat, ou pis encore, aux intérêts retranchés d'une corporation professionnelle.

La meilleure garantie d'une protection véritable du public est une profession juridique ayant reçu une formation complète, et pouvant répondre aux besoins d'une société en évolution constante."

QUID NOVI is published weekly by the students of the Faculty of Law of McGill University. Production is made possible by the support of the Dean's Office and the Law Undergraduate Society. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Staff: Peter Dauphinee, Lynn Bailey, Richard Janda, Martine Turcotte, Ron Lucciola, Gary Littlejohn, Paul Mayer, Celia Rhea, Daniel Gogek.

Contributors: Lise Hendlitz, Leslie Cameron.

LETTERS TO THE EDITOR

READER STRUCK BY STRIKE

Sir:

Our city has been virtually paralysed by this year's union-government transit strike showdown. The strike serves to illustrate that past government extravagance, as manifest in the 1981 budget deficit, has made it inevitable that societal needs be re-evaluated as we enter the eighties.

While they initially served as an integral component in our economy's system of checks and balances, unions have grown so powerful that they have quickly surpassed their function and have subsequently flourished as unchecked and often ruthless power blocs. Shielding themselves behind government-sanctioned preservation of the collective bargaining unit, unions have become more militant and extravagant in their demands, as this strike clearly demonstrates.

In essence, the MUCTC is offering 20% over three years, while the union wants 43% in one year (a 25% pay increase with the work week cut from 40 to 35 hrs/wk). Granted, a union is right to seek increases that neutralize the effects of inflation, but to demand anything more is to seek to blackmail society as a whole into recognizing the role of a bus driver as being worth more, relative to other professions, than it ever has been in the past. Changes in technology and societal needs often vindicate such claims, but neither element seems relevant in the present dispute. We clearly need the government to specify how society is to evolve vis-à-vis the allocation of economic rewards to the myriad of workers composing our workforce.

As the reaction of the transit union indicates, nominal fines are inadequate when applied to enforce back-to-work legislation. While unions have a legally enforced monopoly over the workplace, they show flagrant disrespect for legal sanctions imposed against them.

Not does the answer lie in stiffer fines, as these are likely to be forgiven in any resulting back-to-work settlement.

Perhaps we should adopt the response of President Reagan to the militant air traffic controllers' union. If unions choose to disrespect the law, then why shouldn't we, the much abused public, respond by disrespecting the laws protecting the affected workers' "right" to their jobs? When they are faced with the possibility of de-certification, unions may behave more responsibly.

Of course, such action would give the MUCTC an unfair bargaining position similar to that presently enjoyed by the union, with the result that unfair settlements would once again be the order of the day. With this in mind, I propose that any move toward union de-certification be accompanied by the choosing of an independent conciliation team, whose determinations would be binding on both sides of the dispute.

A mechanism of this kind would restore society's ability to safeguard its needs at the same time as ensuring the preservation of the transit workers' dignity and relative economic ranking within the complex framework of our society. I can only hope that such an approach is at least considered. After all, this current strike is just the beginning of what promises to be a very antagonistic labour year, especially given government statements indicating the intention to remedy the deficit through reduced public employee pay increases.

IAN BANDEEN LLB 1

It might be fair to ask what the author's view implies in the case of Solidarity's "de-certification".

Q.N.

A NOTE FROM THE BOOKSTORE

As the semestrial rush by students to purchase texts and case-books comes to an end, there are a number of groups of individuals to which, on behalf of the directors of the Bookstore Committee, I would like to express my gratitude.

First and foremost, the Committee would like to convey special thanks to the outgoing directors, Ted Bridge, Rob Donald and Martha Shea, who worked laboriously to equip the incoming directors with the necessary tools to confront their new tasks and who stood loyally by their side throughout the initial, hectic adaptation period.

Second, the continued support and cooperation by professors and other Faculty staff was once again this semester instrumental to the proper functioning of the Bookstore's operations.

Third, we would like to thank all those students who volunteered their time and efforts to help out during the Bookstore's first two weeks of business and invite them to join us in our semestrial beer and pizza party which will be held on Thursday, January 21st, between 12 and 2 p.m.

Last, the Committee is especially grateful to those students who recognize that the Bookstore is a volunteer student run organization which operates exclusively for their benefit and who accordingly exhibit an appreciated degree of patience and understanding when faced with the unavoidable line-ups and uncontrollable delays associated with the operation of such an organization. As for the small minority which has not yet realized that such is the "raison d'être" of the Bookstore and that dedicated student participation is what ensures its continuity, we can only hope that they will do so in the future.

In closing, the Committee would like to inform the students that, as of January 18th the Bookstore will be open Monday, Tuesday and Friday between 12 and 2 p.m., and that its directors will do their best to accomodate any special requests which may be submitted during the above business hours.

MICHAEL LARIVIERE BCL II

*** COMING EVENTS ***

Thursday, January 21

McGill International Law Society

The Journal Committee will be meeting to discuss the possibility for students to work with the Foundation of Human Rights on a newsletter on international human rights. Anyone interested is urged to attend this meeting.
Second floor at 1:00.

Women and the Law

Meeting to hold elections and to plan the second term programme. Please come. Bring your lunch.
Room 204 at 1:00.

Party

Union Ballroom at 8:00

Friday, January 22

Law Students into Courts

C.B. Sproule from the Ottawa University Legal Aid Clinic will talk about student legal activity in Ontario. Everyone is welcome, particularly the staff of the legal aid clinic. At 1:00

Interfaculty Party

8:00 At the University of Montreal Faculty of Law, Pavillon Maximillien Caron, rue Jean Brillant.

Tuesday, February 2

Student-Faculty Moot

This moot is funny, entertaining, defamatory! An event you mustn't miss! A special invitation is extended to all first year students: it's an invitation to the Joy's of Mooting!

Starring:

Mr. John Webster

Mr. Neil Cobb

vs.

Prof. Blaine Baker

Prof. Michael Bridge

The Bench:

Prof. Terrence Wade

Ms. Tanis McLaren

Chief Justice Alan Gold

A post-moot party will follow.
Moot Court at 7:00.

L.U.S. SERVICES

Note Bank: It's finally happening! The idea behind a note bank is that students who have a good set of notes for a class donate them to a central lending body and students who wish to borrow them sign them out from that same body for a period of two days.

The Bank is to be in the L.U.S. and it is hoped that we will be able to begin operations within a couple of weeks. First, of course, we need donations. If you have a good set of canned notes please deposit them with a member of the executive or at the Bookstore during their open hours. We will put out sets only when we have duplicates, so please be generous.

Lending will be entirely on the honour system, though for convenience there will be a book in which borrowers will mark their name, time of loan and their telephone number.

Support for this idea comes from many sources, including Staff. We, unlike other Civil Law Faculties, do not get the "polycopie" as a matter of course in all of our classes. This scheme will hopefully fill the gap where it exists. The availability of these notes may also help discourage the merely stenographic mode of class participation.

WANNA BE PUBLISHED??

Underneath the pith and substance skin of every great lawyer is an aspiring poet screaming to get out. Just ask Frank Scott....

Submissions are welcome for Quid Novi's new poetry corner, and can be left in the L.U.S. (Quid Novi mailbox).

But first, please be generous and bring in those sets smouldering in your files.

Committee on Exam Results: Any student with complaints, questions or suggestions about this past set of exams have a forum in which to make them. Ronni Brott and Peter Graham are posting times to let you know when their committee is meeting. Watch the walls.

Exam Results Analysis: A statistical analysis, using computer facilities, will be made of exam results. Students and Staff who have particular questions they would like answered are requested to put them in my mail slot in the L.U.S.

Student Discount Cards: They are available on the bookshelf in the office.

Campbell Stuart

ELGIN TERRACE RESTAURANT GROCERY

LAW FACULTY

Dr. PENFIELD (McGREGOR)

STANLEY 1100 DR. PENFIELD
(McGREGOR)
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ELGIN TERRACE
at 2nd Floor

COLD CUTS - DAIRY PRODUCTS

NEWSPAPERS - MAGAZINES

-- BEER - WINE --

BREAKFAST SPECIAL 7:30 - 11:00

POETRY CORNER

B.C.L. III

(first year foundations seems far away)

(i)

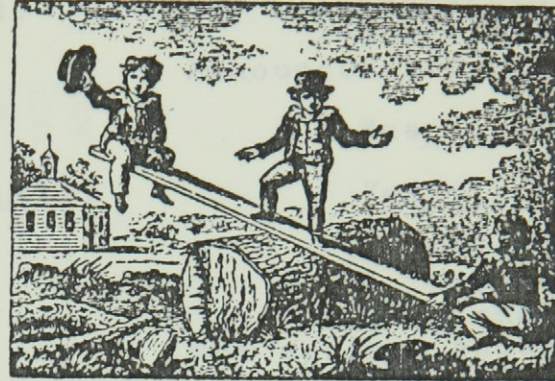
Heading for Montreal
fast on the 401 late Sunday night
a wet and dark four o one
3 white albums on the mirror
Is it only a roll of dice,
Is there any natural justice?
Considering

Auschiwtz, man's need
to dominate. "the first biological
lesson of history - that life is competition."
"L'Etat, c'est mois!" - the power of words
at Peel and Penfield
top of red stone steps - Chancellor Day Hall
feel like C.D.Howe at a ball
wearing tails
everyone's mother looking at him
a handkerchief hanging out of the back pocket.

why is it Carl Sandburg
didn't like lawyers? must
never have met F.R. Scott
Are you going to be a liar you lawyer?
a liar is a liar
Don't we all lie about something? T.V. does
but
suits, ties, C.V. clean shirts
before truth
ink in our pens, while men in steel mills, steel mills
pay for our education.

Julian not elected
Protest-
LOW FEES, DEMOCRACY
STUDENT LOANS, Wear
a bag on your head.
seven courses, unassigned readings.

On ski trails- think of the big picture
worried about regulations,
judging - consuming by the due process,
watch out for knee jerking
while a dozen friends fight the recession.



(ii)

life at a desk, the hand moves fast
against paper while Princess Diana
the Princess of Wales is expecting.
women students are equal now but
thank-you for those differences
sweaters that move
flutes of legs for some
fingers of heron necks
no knuckles on
skin.
the tunnel of study - headlights are bright
relationships
"Let's be civil" - an appropriate word. Go.
"do you like me"? an inky conscience
what to do? write a letter. PERSONAL.

(iii)

the power of words politics of prestige
and one hears people say
super powers must be ready
"Les Anglais"
I love you
Voices Words
Equality, Order
yet Freedom
-men killed for
start with thyself the revolution.

the power of words politics of prestige
shat might save us? poetry of course
better than seven courses will
the sea on the beach
the wind repeats itself
we fall in love again.

Paul Mayer

QUID NOVI QUESTIONNAIRE

Quid Novi is a growing newspaper. We are thus sincerely interested in receiving as much feedback as possible from our readers. Your answers to the following questions, along with any comments, suggestions or criticisms will be greatly appreciated.

Let us know what you think about the paper; what you like about it, and what you hate about it; what you expect from the paper, and what you'd like to see in the future. Simply complete and drop off this questionnaire at the Quid Novi office located between the LUS office and the free telephone.

1. Do you manage to get a copy of Quid Novi every week? Yes___ No___
Is there a sufficient number in circulation? Yes___ No___
2. How much of Quid Novi do you actually read? Everything___
2-3 articles___
Announcements only___
3. Do you enjoy the paper? Yes___ No___
Does it serve a useful purpose in the Faculty? Yes___ No___
In your opinion, the paper is ... Too serious___
Serious___
Well balanced___
Not serious enough___
Too satirical___
4. Are you interested in writing for or contributing to Quid Novi? Yes___ No___
5. If you wanted to write an article for Quid Novi, would you know how to go about getting it published? Yes___ No___
6. Have you ever worked for a newspaper? Yes___ No___
Are you interested in gaining (further) experience in journalism? Yes___ No___
7. What kinds of articles do you like to see printed? (Check no more than two.)
Information about activities in the Faculty___
News coverage of events___
Commentaries, opinions___
Editorials___
Letters to the Editor___
Satires, humour, poetry___
8. On balance, you would prefer to see a greater number of articles on: (check one)
Inside faculty activities___
or outside current events___
9. In general, what changes would you like to see in the format or content of the paper? Please make any comments below.